

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/170,864 10/13/98 EDENSON

R TI-25667

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TM02/1204

EXAMINER

EL TSCHA, P

ART UNIT PAPER NUMBER

2161

DATE MAILED:

12/04/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

|                              |                                |                                |
|------------------------------|--------------------------------|--------------------------------|
| <b>Office Action Summary</b> | Application No.<br>09/170,864  | Applicant(s)<br>Edenson et al. |
|                              | Examiner<br>Pierre Eddy Elisca | Group Art Unit<br>2161         |



Responsive to communication(s) filed on Oct 13, 1998

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-42 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-42 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2161



Examiner Pierre Eddy Elisca

United States Department of Commerce

Patent and Trademark Office

Washington, D. C. 20231

#### **DETAILED ACTION**

1. This office action is in response to application serial number 09/170,864, filed on 10/13/1998.

2. Claims 1-42 are presented for examination.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. **Claims 1-4, 6-17, and 19-24 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Houvener et al. (U.S. Pat. No. 5,790,674) in view of Schuermann et al. (U.S. Pat. No. 5,053,774).**

**As per claims 1, 4, 6-17, and 19-24** Houvener substantially discloses a secure and authentic database of digital photographic image (which is equivalent to Applicant's claimed invention wherein said a digital image system having at least on identification code identifying the image system, the image projection (image projection or display means) system comprising: a verification unit for verifying the authorization code matches the identification code (see., fig 5, abstract, col 1, lines 21-27, col 4, lines 7-12, col 7, lines 24-32); a media player for reading digital data (which is readable as the point of verification terminal fig 2 which comprises a bar code reader for identifying the user present) stored on the data storage medium (see., col 5, lines 15-20); a projection unit (projection unit which is the displayed means 6 for verifying unauthorized digitized signature) for displaying the digital data on the condition that the authorization code matches the identification code (see., abstract, col 1, lines 21-27, col 4, lines 7-12, col 6, lines 54-67). Not specifically disclose by **Houvener** is the use of an interrogator for reading authorization code from an identification module. However, **Schuermann** discloses a transponder arrangement or interrogation unit which transmits at least one RF interrogation pulse to a responder unit. A person permits access checking so that only persons whose responder unit carried by them returns on request

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certain identification data to the interrogation unit are allowed access to a specific area (see., abstract, fig 1, col 1, lines 7-35). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve the secure digital image of **Houvener** by incorporating an interrogator as taught by **Schuermann** because it would provide the secure digital image of **Houvener** with increase secure transmission reliability for positive identity verification that includes a secure and accurate database of images of individuals and other pertinent data (see., **Houvener**, col 3, lines 23-28).

**As per claims 2, 3, Schuermann** discloses the claimed limitation, wherein the identification system module comprising an RF identification system module (see., abstract).

5. **Claims 5, 18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Houvener et al. (U.S. Pat. No. 5,790,674) in view of Schuermann et al. (U.S. Pat. No. 5,053,774) in further in view of Saliga (U.S. Pat. No. 5,469,363).**

**As per claims 5, 18, Houvener and Schuermann** substantially disclose a secure digital image system having at least one identification code identifying the image system, the image projection (or display means) system comprising:  
a verification unit for verifying the authorization code matches the identification code (see., fig 5, abstract, col 1, lines 21-27, col 4, lines 7-12);

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a media player for reading digital data (which is readable as the point of verification terminal fig 2 which comprises a bar code reader for identifying the user present) stored on the data storage medium (see., col 5, lines 15-20);

a projection unit (projection unit which is the displayed means 6 for verifying unauthorized digitized signature) for displaying the digital data on the condition that the authorization code matches the identification code (see., abstract, col 1, lines 21-27, col 4, lines 7-12, col 6, lines 54-67). Not specifically disclose by **Houvener and Schuermann** is the use of a jukebox for opening a tamper-proof. However, **Saliga** discloses an electronic tag with source certification 52 that is potted or sealed into a tamper-proof enclosure (see., abstract, col 3, lines 44-58). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve the secure digital image of **Houvener and Schuermann** by incorporating a tamper-proof as taught by **Saliga** because it would provide the secure digital image of **Houvener and Schuermann** with increase secure transmittion reliability for positive identity verification that includes a smart tag for controlling sophisticated theft attempts.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled

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the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

7. **Claims 25-42 are rejected under 35 U.S.C. 102 (e) as being patentable by Houvener et al. (U.S. Pat. No. 5,790,674).**

As per claims 25-42, Houvener discloses a digital storage medium for storing digital data (see., col 3, lines 57-65); and

an identification system module corresponding to the digital storage medium, the identification system module containing an authorization code describing which media players are authorized to read digital data from the digital storage medium (see., abstract, col 4, lines 1-12, col 6, lines 54-67).

*Conclusion*

8. The prior art made of record and relied upon is considered to applicant's disclosure.

9. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9769.

**Any response to this action should be mailed to:**

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

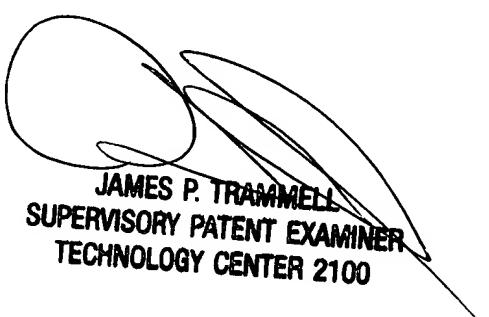
or faxed to:

(703) 308-9051, (for formal communications intended for entry )

OR:

(703) 305-3718 ( for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,  
Sixth floor (receptionist ).



JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100



Pierre Eddy Elisca

Patent Examiner

November 28, 2000